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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,959	07/30/2002	Leon A. Lassovsky	LLB-10106/04	4899
7590 11/09/2004			EXAMINER	
Douglas L Wathen Gifford Krass Groh Sprinkle Anderson & Citikowski Suite 400 280 North Old Woodward Avenue Birmingham, MI 48009			NEGRON, ISMAEL	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 11/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/088,959

Applicant(s)

LASSOVSKY, LEON A.

Examiner

Ismael Negron

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 41 is/are allowed.
- 6) ☒ Claim(s) 18-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on August 27, 2004 has been entered. Claims 20 and 38 have been amended. No claim has been cancelled, or added. Claims 18-41 are still pending in this application, with claims 18-20, 25, 33 and 41 being independent.
2. The indicated allowability of claims 18, 19 and 25-41 is withdrawn in view of the newly discovered reference(s) to GATES (U.S. Pat. 1,591,754) and GOSSWILLER et al. (U.S. Pat. 5,584,560). Rejections based on the newly cited reference(s) follow.

Claim Objections

3. Claim 18 is objected to because of the following informalities: it recites the limitation " the bulb holder " in lines 4 and 5. There is insufficient antecedent basis for this limitation in the claim.

The applicant is advised that for Prior Art rejections the Examiner assumed the bulb holder to be one and the same as the previously claimed bulb connector (line 3). If the Examiner's assumption is correct lines 4 and 5 must be amended to read "at least one adjustable reflector for reflecting illumination from a bulb interconnected with the bulb holder connector".

The cited lack of antecedent instances do not amount to indefiniteness under 35 U.S.C. 112, second paragraph, since it is readily apparent that the claims are referring

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back to the previously recited bulb connector (line 3). However, appropriate correction is required to place the claims in proper form for allowance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by GOSSWILLER et al. (U.S. Pat. 5,584,560).

GOSSWILLER et al. discloses a luminaire having:

- **a housing (as recited in Claim 18), as seen in Figure 1;**
- **at least one bulb connector (as recited in Claim 18), as seen in Figure 5;**
- **the bulb connector being disposed in said housing (as recited in Claim 18), as seen in Figure 5;**
- **a bulb (as recited in Claim 18), Figure 4, reference number 15;**
- **the bulb being interconnected with the bulb connector (as recited in Claim 18), inherent;**
- **at least one adjustable reflector (as recited in claims 18 and 20), Figure 4, reference number 13;**

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- **the adjustable reflector being for reflecting illumination from the bulb (as recited in Claim 18), column 4, lines 9-13;**
- **an adjustor drive (as recited in claims 18 and 20), Figure 3, reference numbers 51 and 87;**
- **the drive being operable to adjust the position of the adjustable reflector (as recited in claims 18 and 20), columns 5 and 6;**
- **a remote control system (as recited in claims 18 and 20), Figure 1, reference number 24; and**
- **the control system being operable to remotely control said adjuster drive so that the position of the reflector may be adjusted (as recited in claims 18 and 20), column 7, lines 9-15.**

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 19 and 25-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over ROMANO (U.S. Pat. 4,872,098) and GATES (U.S. Pat. 1,591,754).

ROMANO discloses a luminaire having:

- **a housing (as recited in claims 19 and 25), Figure 1, reference number 20;**
- **at least one bulb connector (as recited in claims 19 and 25), Figure 1, reference number 30;**
- **the bulb connector being disposed in said housing (as recited in claims 19 and 25), as seen in Figure 1;**
- **at least one adjustable reflector (as recited in claims 19 and 25), Figure 1, reference numbers 34, 35, 37 and 38;**
- **an adjustor drive (as recited in Claim 19), as seen in Figure 4;**
- **the drive being operable to adjust the position of the adjustable reflector (as recited in Claim 19), column 5, lines 45-50;**
- **a control system (as recited in Claim 19), as seen in Figure 4;**
- **the control system being operable to remotely control said adjuster drive so that the position of the reflector may be adjusted(as recited in Claim 19), column 4, lines 27-36;**
- **the housing having a cavity (as recited in Claim 19), as seen in Figure 1;**
- **the bulb connector being supported by the housing (as recited in Claim 19), column 3, lines 31-33;**

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- **the adjustable reflector being an rotatably adjustable reflector (as recited in claims 19 and 25), column 4, lines 3-13;**
- **an adjustable reflector holder (as recited in claims 19 and 25), Figure 2, reference numbers 44 and 45;**
- **the reflector holder being supported by the housing (as recited in claims 19 and 25), column 4, lines 57-61 and 64-66;**
- **the reflector holder being configured to engage an end of the adjustable reflector (as recited in claims 19 and 25), column 4, lines 57-61 and 6-66;**
- **at least one geared reflector adjuster (as recited in Claim 25), as seen in Figure 4;**
- **the geared reflector adjuster being for adjusting the rotational position of the reflector holders (as recited in Claim 25), column 4, lines 27-36;**
- **the geared reflector adjuster being at least partially disposed in the cavity (as recited in Claim 25), as evidenced by Figure 1;**
- **the reflector holders being disposed symmetrically about a central plane (as recited in Claim 26), as evidenced by figures 2 and 3;**
- **the central plane bisecting the housing and passing through the bulb holder (as recited in Claim 26), as evidenced by figures 2 and 3;**

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- **a stationary reflector (as recited in Claim 27), Figure 1, reference number 33;**
- **a stationary reflector holder (as recited in Claim 27), column 3, lines 60-62;**
- **the stationary reflector holder being supported by the housing (as recited in Claim 27), column 3, lines 60-62;**
- **the housing includes an electrical connector (as recited in Claim 28), inherent;**
- **an electrical conductor (as recited in Claim 29), inherent;**
- **the conductor interconnecting the electrical connector with the bulb holder (as recited in Claim 29), inherent;**
- **the reflector adjuster including an adjustment knob (as recited in Claim 31), Figure 1, reference numbers 40 and 41; and**
- **the knob being for adjusting the rotational position of the reflector holders (as recited in Claim 31), column 5, lines 9-15.**

ROMANO discloses all the limitations of the claims, except:

- a remote control system (as recited in Claim 19);
- the control system being operable to remotely control said adjuster drive so that the position of the reflector may be controlled from a remote location (as recited in Claim 19);
- a ballast connector (as recited in Claim 30);
- a ballast (as recited in Claim 30); and

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- the ballast connector being for connecting the ballast to the luminaire (as recited in Claim 30).

GATES discloses an illumination device having:

- **a housing (as recited in claims 19 and 25)**, Figure 2, reference number 1;
- **at least one bulb connector (as recited in claims 19 and 25)**, as seen in Figure 2;
- **the bulb connector being disposed in said housing (as recited in claims 19 and 25)**, as seen in Figure 2;
- **at least one adjustable reflector (as recited in claims 19 and 25)**, Figure 2, reference number 12;
- **an adjustor drive (as recited in Claim 19)**, as seen in Figure 2;
- **the drive being operable to adjust the position of the adjustable reflector (as recited in Claim 19)**, column 2, lines 11-21;
- **a remote control system (as recited in Claim 19)**, as seen in Figure 2;
- **the control system being operable to remotely control said adjuster drive so that the position of the reflector may be controlled from a remote location (as recited in Claim 19)**, column 2, lines 42-48;

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- **the housing having a cavity (as recited in Claim 19), as seen in Figure 2;**
- **the adjustable reflector being an rotatably adjustable reflector (as recited in claims 19 and 25), column 1, lines 45-59;**
- **a stationary reflector (as recited in Claim 27), Figure 2, reference number 2;**
- **a stationary reflector holder (as recited in Claim 27), as seen in Figure 2;**
- **the stationary reflector holder being supported by the housing (as recited in Claim 27), as seen in Figure 2;**
- **the housing includes an electrical connector (as recited in Claim 28), as seen in Figure 2;**
- **an electrical conductor (as recited in Claim 29), as seen in Figure 2;**
- **the conductor interconnecting the electrical connector with the bulb holder (as recited in Claim 29), as seen in Figure 2;**
- **the reflector adjuster including an adjustment knob (as recited in Claim 31), Figure 2, reference number 36; and**
- **the knob being for adjusting the rotational position of the reflector holders (as recited in Claim 31), column 2, lines 11-21.**

It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to use the remote control structure of GATES as the

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control system of ROMANO, to enable the rotatably adjustable reflectors to be adjusted from a remote location, as per the teachings of GATES (see column 2, lines 42-48).

Regarding a ballast connector for connecting a ballast to the luminaire (as recited in Claim 30), the Examiner takes Official Notice that such connector structures are old and well known in the illumination art. One would have been motivated to include a ballast connector structure in the luminaire of ROMANO to be able to easily disconnect such ballast for replacement or repairs. In addition, ROMANO disclose sodium vapor, mercury vapor, or high intensity discharge (HID) lamps as the preferred light sources (see column 3, lines 35-39), such light sources requiring ballast circuits.

Regarding the claimed invention being a "module" (as recited in claims 25-31), such "module" recitation has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). In this case, the housing disclosed by ROMANO was considered to meet the "module" recitation.

6. Claims 21, 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over GOSSWILLER et al. (U.S. Pat. 5,584,560) in view of LONG et al. (U.S. Pat. 4,979,550).

GOSSWILLER et al. discloses a luminaire having:

- **at least one movable component (as recited in Claim 20),**
Figure 4, reference number 13;
- **the at least one movable component being an adjustable reflector (as recited in Claim 20),** Figure 4, reference number 13;
- **an adjustor drive (as recited in Claim 20),** Figure 3, reference numbers 51 and 87;
- **the drive being operable to adjust the position of the adjustable reflector (as recited in Claim 20),** columns 5 and 6;
- **a remote control system (as recited in Claim 20),** Figure 1, reference number 24; and
- **the control system being operable to remotely control said adjuster drive so that the position of the reflector may be adjusted (as recited in Claim 20),** column 7, lines 9-15.

The teachings of GOSSWILLER et al. disclose all the limitations of the claims, except:

- the remote control system includes a central processing unit (as recited in Claim 21);
- the processing unit being operable to control the adjustor drive (as recited in Claim 21);
- a photo sensor (as recited in Claim 22);

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- the sensor being in communication with said central processing unit (as recited in Claim 22);
- a wireless control system (as recited in Claim 24);
- the wireless control system including a wireless control device (as recited in Claim 24);
- the wireless control system also including a central processing unit (as recited in Claim 24); and
- the processing unit being operable to wirelessly communicate with the control device to control the adjustor drive (as recited in Claim 24).

LONG et al. discloses a remote control system for blind, such system having :

- **a housing**, Figure 1, reference number 11;
- **at least one plate member**, Figure 1, reference number 12; and
- **an adjuster drive**, Figure 1, reference number 10;
- **the adjuster drive being for adjusting the position of the plate member**, column 3. lines 50-56;
- **a remote control system (as recited in Claim 20)**, as seen in Figure 5;
- **the remote control system being a wireless remote control system (as recited in Claim 24)**, as evidenced by Figure 1;
- **the remote control system includes a central processing unit (as recited in claims 21 and 24)**, Figure 2, reference number 10;

- **the processing unit being operable to control the adjustor drive (as recited in claims 21 and 24), column 4, lines 34-46;**
- **the remote control being operable to move the plate member to one of a plurality of positions, column 3, lines 50-56;**
- **a photo sensor (as recited in Claim 22), Figure 5, reference number 22;**
- **the sensor being in communication with said central processing unit (as recited in Claim 22), as evidenced by Figure 5;**
- **the remote control being a wireless remote control (as recited in Claim 24), column 4, lines 34-41.**

It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to combined the remote control system of LONG et al. with the luminaire of GOSSWILLER et al. to be able to control de orientation of the luminaire rotatably adjustable reflectors from a distance, as per the teachings of LONG et al. (see column 3, lines 7-13).

7. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over GOSSWILLER et al. (U.S. Pat. 5,584,560) in view of GRISSOM (U.S. Pat. 5,175,477)

GOSSWILLER et al. discloses a luminaire having:

- **at least one movable component (as recited in Claim 20),**
Figure 4, reference number 13;

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- **the at least one movable component being an adjustable reflector (as recited in Claim 20), Figure 4, reference number 13;**
- **an adjustor drive (as recited in Claim 20), Figure 3, reference numbers 51 and 87;**
- **the drive being operable to adjust the position of the adjustable reflector (as recited in Claim 20), columns 5 and 6;**
- **a remote control system (as recited in Claim 20), Figure 1, reference number 24; and**
- **the control system being operable to remotely control said adjuster drive so that the position of the reflector may be adjusted (as recited in Claim 20), column 7, lines 9-15.**

The teachings of GOSSWILLER et al. discloses all the limitations of the claims, except a dimmable ballast controllable by the remote control system (as recited in Claim 23).

GRISSOM discloses a dimming circuit for fluorescent lamp (figure 2 and 3).

It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to combined the dimming circuit of GRISSOM with the luminaire of GOSSWILLER et al. to be able to control from a distance the intensity of the light bulb, as well as the orientation of the luminaire reflectors, as per the teachings of GRISSOM.

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8. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over ROMANO (U.S. Pat. 4,872,098) and GATES (U.S. Pat. 1,591,754) as applied to claim 25 above, and further in view of STEVENS (U.S. Pat. 5,481,441).

The teachings of ROMANO and GATES disclose individually, or suggest in combination, all the features of the claimed invention (as detailed in Section 5 of the instant Office Action), except the rotatably adjustable reflector holders using gears for coordination their rotational movement (as recited in Claim 32).

STEVENS discloses an illumination device including a plurality of rotatable lamp assemblies (70, 110, 150, and 190) having gears for coordinating their rotational movement.

The examiner takes Official Notice that the use of gears is old and well known in the illumination art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use gears in the adjuster mechanism of the system of ROMANO and GATES. One would have been motivated since gears are recognized in the art to have many desirable advantages, including high efficiency, increased precision, and zero-slippage engagement, over other movement transmission mechanisms.

9. Claims 33-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over ROMANO (U.S. Pat. 4,872,098).

ROMANO discloses a luminaire having:

- **a shell (as recited in Claim 33), Figure 1, reference numbers 23, 24 and 26;**
- **a housing (as recited in Claim 33), Figure 1, reference number 20;**
- **the housing having a cavity (as recited in Claim 33), as seen in Figure 1;**
- **at least one bulb holder (as recited in Claim 33), Figure 1, reference number 30;**
- **the bulb holder being supported by the housing (as recited in Claim 33), as seen in Figure 1;**
- **a plurality of rotatably adjustable reflector holders (as recited in Claim 33), Figure 2, reference numbers 44 and 45;**
- **the reflector holders being supported by the housing (as recited in Claim 33), column 4, lines 57-61 and 64-66;**
- **the reflector holder being configured to engage an end of an adjustable reflector (as recited in Claim 33), column 4, lines 57-61 and 6-66;**
- **at least one geared reflector adjuster (as recited in Claim 33), as seen in Figure 4;**

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- **the geared reflector adjuster being for adjusting the rotational position of the reflector holders (as recited in Claim 33),**
column 4, lines 27-36;
- **the geared reflector adjuster being at least partially disposed in the cavity (as recited in Claim 33), as evidenced by Figure 1;**
- **the reflector holders being disposed symmetrically about a central plane (as recited in Claim 34), as evidenced by figures 2 and 3;**
- **the central plane bisecting the housing and passing through the bulb holder (as recited in Claim 34), as evidenced by figures 2 and 3;**
- **a stationary reflector holder (as recited in Claim 35), column 3, lines 60-62;**
- **the stationary reflector holder being supported by the housing (as recited in Claim 35), column 3, lines 60-62;**
- **the housing includes an electrical connector (as recited in Claim 36), inherent;**
- **an electrical conductor (as recited in Claim 37), inherent;**
- **the conductor interconnecting the electrical connector with the bulb holder (as recited in Claim 37), inherent;**
- **the reflector adjuster including an adjustment knob (as recited in Claim 39), Figure 1, reference numbers 40 and 41; and**

- **the knob being for adjusting the rotational position of the reflector holders (as recited in Claim 39), column 5, lines 9-15.**

ROMANO discloses all the limitations of the claims, except:

- a ballast connector (as recited in Claim 38);
- a ballast (as recited in Claim 38); and
- the ballast connector being for connecting the ballast to the luminaire (as recited in Claim 38).

It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to include a ballast connector for connecting a ballast to the luminaire (as recited in Claim 38), since the Examiner takes Official Notice that such connector structures are old and well known in the illumination art. One would have been motivated to include a ballast connector structure in the luminaire of ROMANO to be able to easily disconnect such ballast for replacement or repairs. In addition, ROMANO disclose sodium vapor, mercury vapor, or high intensity discharge (HID) lamps as the preferred light sources (see column 3, lines 35-39), such light sources requiring ballast circuits.

Regarding the claimed invention being a "module" (as recited in Claim 33), such "module" recitation has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190

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USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). In this case, the housing disclosed by ROMANO was considered to meet the "module" recitation.

10. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over ROMANO (U.S. Pat. 4,872,098) in view of STEVENS (U.S. Pat. 5,481,441).

ROMANO discloses, or suggests, all the limitations of the claims (as detailed in Section 9 of the instant Office Action), except the rotatably adjustable reflector holders using gears for coordination their rotational movement (as recited in Claim 40).

STEVENS discloses an illumination device including a plurality of rotatable lamp assemblies (70, 110, 150, and 190) having gears for coordinating their rotational movement.

The examiner takes Official Notice that the use of gears is old and well known in the illumination art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use gears in the adjuster mechanism of the system of ROMANO. One would have been motivated since gears are recognized in the art to have many desirable advantages, including high efficiency, increased precision, and zero-slippage engagement, over other movement transmission mechanisms.

Relevant Prior Art

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Honmann, Jr. (U.S. Pat. 4,340,928), **Miyazawa** (U.S. Pat. 4,831,506) and **Kreutzer, Jr. et al.** (U.S. Pat. 5,057,985) disclose a plurality of illumination devices having remotely controlled adjustable reflectors.

Allowable Subject Matter

12. Claim 41 is allowed.

13. The following is an examiner's statement of reasons for allowance:

Applicant teaches a modular luminaire including a first and second module, such modules having a housing, at least one bulb connector disposed inside the housing, and at least one adjustable reflector for reflecting light from a light bulb connected to the bulb connector. The two modules further include a slot for receiving a housing shell.

No prior art was found neither disclosing individually nor teaching in combination all of the features of the applicants' invention, specifically the luminary being composed of two modules having a slot for receiving a housing shell in combination with the adjustable reflectors as claimed by the applicant.

14. **Romano** (U.S. Pat. 4,872,098) discloses a luminaire having a plurality of pivoted reflector sections surrounding a light source; a single operating lever controls the

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reflector sections. Romano fails to disclose, or even suggest, the luminary being compose of two modules having a slot for receiving a housing shell in combination with a luminaire as claimed by the applicant.

15. **Lassovsky** (U.S. Pat. 6,206,548) discloses a luminaire having two modules, and a plurality of rotatably adjustable reflector controlled by a single operating lever. The modules include slot for receiving a housing shell. However, the applicant filed on February 9, 2004 a terminal disclaimer disclaiming the terminal portion of any patent granted on the instant application, which would extend beyond the expiration date of Lassovsky. Since such terminal disclaimer has been reviewed, accepted, and recorded, Lassovsky is disqualified as Prior Art.

16. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negron whose telephone number is (571) 272-2376. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea, can be reached on (571) 272-2378. The facsimile machine number for the Art Group is (703) 872-9306.

18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications maybe obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) toll-free at 866-217-9197.


JOHN ANTHONY WARD
PRIMARY EXAMINER


Inr

November 4, 2004